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Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP.

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-02880

**PLAINTIFF FEDERAL TRADE
COMMISSION'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-CV-02880

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff, the Federal Trade Commission, respectfully submits this Administrative Motion to Consider Whether Another Party's Material Should be Sealed in connection with Plaintiff's Complaint for a Temporary Restraining Order and Preliminary Injunction (attached hereto, hereinafter "Complaint").

Certain portions of Plaintiff's Complaint contain information obtained from Microsoft Corporation ("Microsoft"), Activision Blizzard, Inc. ("Activision"), and NVIDIA Corporation ("Nvidia"), Nintendo of America, Inc. ("Nintendo"), and Sony Interactive Entertainment ("Sony") during the course of the FTC's investigation regarding Microsoft's proposed acquisition of Activision. Microsoft, Activision, Nvidia, Nintendo, and Sony designated certain of this information as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2. Other portions of the Complaint contain information that was obtained during the course of litigation discovery in *In the matter of Microsoft Corp. and Activision, Blizzard, Inc.*, before the United States of America Federal Trade Commission Office of Administrative Law Judges, Docket No. 9412, and that the producing party designated as Confidential pursuant to the Protective Order Governing Confidential Material entered on December 9, 2022 ("Administrative Protective Order"). Accordingly, Plaintiff seeks to file under seal:

Document	Portions to Be Filed Under Seal	Designating Party
Complaint	Page 2, Portions of Line 8–9	Microsoft, Activision
Complaint	Page 3, Portions of Lines 7–8	Microsoft, Activision
Complaint	Page 3, Lines 10–15	Microsoft, Activision
Complaint	Page 5, Portion of Line 3	Microsoft
Complaint	Page 5, Portion of Line 14	Activision
Complaint	Page 5, Portion of Line 18	Activision

1	Complaint	Page 7, Portion of Line 1	Activision
2	Complaint	Page 10, Portions of Line 31	Microsoft
3	Complaint	Page 11, Portions of Line 2	Microsoft
4	Complaint	Page 12, Portion of Line 5	Microsoft
5	Complaint	Page 12, Portions of Line 8–9	Microsoft
6	Complaint	Page 12, Portion of Line 10	Microsoft
7	Complaint	Page 12, Portion of Line 14	Microsoft, Sony
8	Complaint	Page 15, Portions of Lines 12–15	Microsoft
9	Complaint	Page 15, Portion of Line 16	Microsoft
10	Complaint	Page 15, Portions of Line 17–18	Microsoft
11	Complaint	Page 15, Portions of Line 19	Microsoft
12	Complaint	Page 16, Portions of Line 6–7	Microsoft
13	Complaint	Page 16, Portions of Line 8–9	Microsoft
14	Complaint	Page 16, Portions of Line 17	Microsoft
15	Complaint	Page 16, Portions of Line 19	Microsoft
16	Complaint	Page 16, Lines 23–27	Microsoft
17	Complaint	Page 17, Portions of Line 3–4	Microsoft
18	Complaint	Page 17, Portions of Line 5–7	Microsoft
19	Complaint	Page 17, Portions of Line 8–10	Microsoft
20	Complaint	Page 17, Portions of Line 14–15	Microsoft
21	Complaint	Page 17, Portions of Line 21–22	Microsoft
22	Complaint	Page 17, Lines 25–26	Microsoft
23	Complaint	Page 17, Line 27– Page 18 Line 2	Microsoft
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1	Complaint	Page 18, Portions of Line 9	Activision
2	Complaint	Page 18, Portions of Line 11	Activision
3	Complaint	Page 18, Portion of Line 12	Microsoft, Activision
4	Complaint	Page 18, Portion of Line 13	Activision
5	Complaint	Page 18, Line 15–17	Activision
6	Complaint	Page 20, Portion of Line 13	Sony
7	Complaint	Page 20, Portions of Line 16–17	Nintendo
8	Complaint	Page 20, Portion of Line 25	Microsoft, Sony
9	Complaint	Page 21, Portions of Lines 6–8	Microsoft
10	Complaint	Page 21, Portions of Lines 8–9	Microsoft, Activision
11	Complaint	Page 21, Portions of Lines 17–18	Microsoft, Activision,
12			Nintendo
13	Complaint	Page 23, Portions of Lines 5–6	Microsoft
14	Complaint	Page 23, Line 7	Microsoft
15	Complaint	Page 23, Portions of Lines 8–10	Microsoft
16	Complaint	Page 23, Portions of Lines 10–11	Microsoft
17	Complaint	Page 23, Portions of Lines 17–18	Microsoft
18	Complaint	Page 25, Portion of Line 7	Microsoft
19	Complaint	Page 25, Portions of Lines 10–12	Microsoft
20	Complaint	Page 25, Portions of Lines 13–14	Microsoft
21	Complaint	Page 25, Lines 15–19	Microsoft
22	Complaint	Page 25, Portions of Lines 24–25	Microsoft
23	Complaint	Page 26, Portion of Line 9	Microsoft

1	Complaint	Page 26, Portions of Lines 10–11	Microsoft
2	Complaint	Page 26, Portions of Lines 12–13	Microsoft
3	Complaint	Page 26, Portions of Lines 14–15	Microsoft
4	Complaint	Page 26, Portions of Lines 17–18	Microsoft
5	Complaint	Page 26, Portion of Line 21	Microsoft
6	Complaint	Page 28, Portion of Line 1	Microsoft
7	Complaint	Page 28, Lines 3–5	Microsoft
8	Complaint	Page 28, Portion of Line 6	Microsoft
9	Complaint	Page 28, Portions of Lines 8–10	Microsoft
10	Complaint	Page 28, Portions of Lines 11–12	Microsoft
11	Complaint	Page 28, Portions of Lines 14–16	Microsoft, Activision
12	Complaint	Page 28, Portions of Lines 17–18	Microsoft
13	Complaint	Page 29, Portions of Lines 9–11	Sony
14	Complaint	Page 29, Portion of Line 15	Nvidia
15	Complaint	Page 29, Portions of Lines 16–19	Nvidia
16	Complaint	Page 30, Portion of Line 12	Activision, Nvidia
17	Complaint	Page 30, Lines 13–16	Activision, Nvidia
18	Complaint	Page 30, Portion of Line 20	Sony
19	Complaint	Page 30, Lines 21–25	Nvidia
20	Complaint	Page 31, Portions of Lines 3–4	Microsoft
21	Complaint	Page 31, Portion of Line 4–5	Microsoft
22	Complaint	Page 31, Portion of Line 10–11	Microsoft
23	Complaint	Page 31, Portion of Line 22	Microsoft, Activision

Complaint	Page 32, Portions of Lines 1–2	Microsoft
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Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, “has been designated as confidential by another party or non-party.” L.R. 79-5(f). Plaintiff has redacted the above-referenced yellow-highlighted portions of its Complaint because Microsoft or Activision has designated the information contained therein as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant to the Administrative Proceeding Protective Order. Plaintiff has redacted the above-referenced green-highlighted portions of its Complaint because Nvidia has designated information contained therein as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant to the Administrative Proceeding Protective Order. Plaintiffs has redacted the above-referenced blue-highlighted portions of its complaint because Sony has designated information contained therein as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant to the Administrative Proceeding Protective Order. Plaintiffs has redacted the above-referenced pink-highlighted portions of its complaint because Nintendo has designated information contained therein as confidential pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant to the Administrative Proceeding Protective Order. Plaintiff takes no position on the merits of sealing Microsoft’s, Activision’s, and non-parties’ designated material.

In compliance with Civil Local Rule 79-5(d), the unredacted version of the Complaint accompanies this Administrative Motion. In accordance with Local Rule 7-11, Plaintiff has also filed a Proposed Order herewith.

Original filing date: June 12, 2023

Respectfully Submitted,

Corrected filing date: June 13, 2023

/s/ James Weingarten

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